IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 42 of 2005

with

CIVIL APPLICATION No 488 of 2005

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT ELECTRICITY BOARD

Versus

THAKORE VARSANGJI FATAJI

Appearance:

1. Appeal from Order No. 42 of 2005

MR MD PANDYA for Appellant No.

..... for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 08/02/2005

ORAL JUDGEMENT

1. The appellant has preferred this appeal from order being aggrieved by the order dated 24/12/1991 passed below exh.5 by the learned Civil Judge (S.D.), Mehsana in Special Civil Suit No.255 of 1991.

2. There was a delay of sixteen days in filing the

present appeal from order. The matter was not moved for almost thirteen years, and therefore, no fruitful purpose will be served by issuing Notice at this stage in the civil application. Hence, it cannot be entertained at this stage.

3. Having heard the learned counsel for the parties, I am of the opinion that ends of justice would be met if the appellant is directed to make an application before the trial Court for expediting the hearing of the suit in question since the suit is of the year 1991.

4. Therefore, without entering into the merits of the matter, the appellant is directed to make an application before the trial Court for expediting the hearing of Special Civil Suit No.255 of 1991 pending before the Court of the learned Civil Judge (S.D.), Mehsana. On receipt of the said application from the appellant, the trial Court is directed to dispose of the suit in question as expeditiously as possible and preferably within a period of six months from the date of receipt of the said application from the appellant.

5. With the above observations and directions, the Appeal from Order stands disposed of. Office is directed to send writ of this order forthwith.

ORDER IN CIVIL APPLICATION

In view of the order passed in the appeal from order no orders are necessary in this civil application. It stands disposed of accordingly.

[K. S. JHAVERI, J.]

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